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PART II.

NOTIFICATIONS BY GOVT. OF INDIA, RESIDENT, CHIEF COURT, &c.

INAM DEPARTMENT.

Notification No. 5, *dated* 31*st January* 1898.

Inamdars are hereby informed that (868) final title-deeds for minor inams situated in the Kunigal taluk, have this day been forwarded to the Deputy Commissioner of the Tumkur district, for distribution.

2. They are accordingly to appear to receive the same on receipt of individual notices from the Amildar of the aforesaid taluk, who is hereby instructed to issue such notices without delay.

3. The *ad-interim* extracts already issued for the above inams are hereby declared to be cancelled.

J. P. Grant, *Supt. of Inam Settlements.*

JUDICIAL DEPARTMENT.

Notification, dated 19*th January* 1898.

It is hereby notified that the following Rules for the service and execution of processes issued by the Civil Courts in the Mysore Province, and the fees chargeable therefor, framed by the Chief Court under the provisions of Section 20 of the Court Fees Act, in supersession of those contained in the Chief Commissioner's Notifications Nos. 261 and 262, dated 10th January 1880, and the Chief Court Circular letter No. 549-4, dated 5th July 1882, which have received the sanction of Government, shall come into force from the 1st day of February 1898.

I. There shall be one General Establishment of Amins and Peons for the execution and service of processes issued by all the Civil Courts at each of the following stations and at such other places as the Chief Court may hereafter direct :—Bangalore, Mysore, Shimoga.

Such establishment shall be under the immediate direction of a Central Nazir and the control of the Principal Munsiff.

II. At all other stations the Process Establishment shall be under the immediate direction of a Deputy Nazir, who shall be under the control of the Munsiff having jurisdiction at such station.

III. (*a*) There shall be two classes of Central Nazirs, and their pay shall be—

	Rs.
1st Class	50 a month
2nd „	40 „

provided that no Central Nazir shall be placed in the 1st class unless the Process Establishment to be supervised by him consists of 70 peons and 20 amins;

(*b*) There shall be two classes of Deputy Nazirs, and their pay shall be—

	Rs.
1st Class	25 a month
2nd „	20 „

Deputy Nazirs of the 1st class shall be provided for the Munsiff's Courts graded as 1st class, and Deputy Nazirs of the 2nd class for the Munsiffs' Courts graded as 2nd and 3rd classes.

(*c*) There shall be two classes of Amins, and their pay shall be—

		Rs.
1st Class	...	16 a month
2nd „	...	14 „

The proportion of Amins in the higher grade shall not exceed one to two in the lower grade.

(*d*) There shall be two classes of Peons, and their pay shall be—

		Rs.
1st Class	...	8 a month
2nd „	...	7 „

The proportion of Peons in the higher grade shall not exceed one to three in the lower grade.

The Central Nazir and his Process Establishment shall be appointed by the District Judge. The apppointment of Deputy Nazir and his establishment shall be made by the Munsiff to whose Court they are attached. All appointments shall be subject to the provisions of Section 21 of the Civil Courts Regulation No. I of 1883.

All the charges of the Nazarat Establishment shall be debited to the Process Service Fund.

IV. Each Central Nazir must furnish security in a sum of Rs. 500, and each Deputy Nazir in a sum of Rs. 250. Each Amin of the 1st class must furnish security in the sum of Rs. 120 and each Amin of the 2nd class in the sum of Rs. 100. The security for Peons of both classes shall be Rs. 50.

V. The security to be furnished by Nazirs and Amins shall either be by bond, or by deposit of title deeds of immovable property, or by deposit of cash or Government Promissory Notes; and the security to be furnished by Peons shall be by bond with two sureties, or by deposit of cash, which should be invested in the District Savings Bank in the name of the depositor.

VI. The "proper officer" to whom processes shall be transmitted for service under Section 72 of the Code of Civil Procedure, 1882, shall be—

(*a*) *The Central Nazir*, in respect of all processes issued by any Court located or having jurisdiction at a station where there is a Central Nazir, for service within the jurisdiction of a Munsiff located at such station;

(*b*) *The Deputy Nazir*, at a station where there is no Central Nazir, and in respect of processes issued by any Court for service within the jurisdiction of an outlying Munsiff.

VII. The processes of each Court shall be numbered consecutively, as soon as all batta charges have been paid, and shall be entered in a register in the Form A or AA, as the case may be, annexed hereto.

VIII. At stations where there is a Central Nazir, at 3 P. M. daily, the chief ministerial officer of each Court shall sign the Register A, and transmit it to the Central Nazir, together with the processes to be served or executed by him, which have been prepared up to that hour, and the witnesses' batta. Such processes prepared after 3 P. M. shall be sent to the Nazir not later than 11-30 the following morning, together with the register signed as above.

After verifying the entries relating to himself, the Central Nazir shall return the register to the Court concerned with his counter-signature.

This rule shall also apply to processes to be served or executed by the Deputy Nazirs.

IX. One hour before the Post time for each outlying Munsiff's station, the chief ministerial officer of each superior Court shall have a list prepared in the Form AA of all processes to be served or executed within the jurisdiction of such outlying Munsiff, and such list shall be forthwith sent by Post on Mysore Government Service to the Deputy Nazir of such Munsiff, together with all such processes.

X. On receiving any batch of processes, the Central or Deputy Nazir, as the case may be, shall give them general numbers and enter them in a register, which shall be kept by himself or under his superintendence in the Form B annexed hereto.

XI. He shall thereupon arrange for the distribution of the processes, and, after the necessary entries have been made in the Roster (Form C hereto annexed), shall deliver them to the several process-servers. As far as possible, all processes other than warrants of arrest, for persons residing in the same neighbourhood shall be served by one process-server and not by several, whether issued by the same or by different Courts.

XII. Every day, at such hours as the Munsiff may fix, having regard (when necessary) to the hours at which the Post closes, the Central Nazir and each Deputy Nazir shall prepare a list for each Court of the processes to be returned to it giving them their original Court numbers, and shall transmit them with the list to the chief ministerial officer, who shall sign and return the list.

XIII. It shall be the duty of the chief ministerial officer to have the processes returned struck off in his Register A or AA, as the case may be, and to bring to the notice of the presiding Judge any unusual delay. Where such Judge is not the District Judge, he shall report such delay to the District Judge in the absence of satisfactory explanation. The District Judge will report all such cases to the Chief Court.

XIV. At the close of each day, every Central and Deputy Nazir shall enter in the Register B the number of processes distributed during the day and the number of peons remaining unemployed after the distribution.

XV. The return of service shall ordinarily be verified by affidavit, and, under Section 197 (*b*) of the Code of Civil Procedure, all Nazirs and Deputy Nazirs are hereby empowered to administer the oath to any process-server. Such affidavit may be read at the hearing and used as proof of service.

When a process is returned under Section 80, 168 or 343, the Court is required to examine the serving officer on oath ; but under Section 386 (*c*), in the case of the process-servers of an outlying Court, such examination may generally be taken under a Commission. The Commission will be in the form of an authority (written or printed at the foot of, or attached to, every process) to the Munsiff to examine the process-server if necessary.

XVI. When any person has been arrested, or movable property seized, by a process-server of an outlying Court under a warrant issued by a superior Court, the process-server shall forthwith bring such person or property to the station of such Court and deliver him or it to the Central or Deputy Nazir, as the case may be, provided that this rule shall not apply to property not required to be brought to the Court-house.

Such Central or Deputy Nazir shall immediately give the process-server a receipt and send him back to his own Court, and shall produce such person or property before the Court which issued the process.

When money shall have been paid upon any such process, it shall be received by the outlying Munsiff and duly transmitted, together with the process, to the Court concerned : provided that, where such sum does not exceed the batta due (or likely to become due within three days) by such Court, the Munsiff may order it to be credited to such Court's Batta Account, sending immediate notice of the same that the Court concerned may pay the judgment-creditor out of the batta accumulations.

XVII. A permanent advance of Rs. 100 will be made to each Central or Deputy Nazir for the batta of witnesses, &c. The amount of batta to be paid must be notified on each process sent to it for service, but shall be retained in the Court issuing the process until the accumulations reach Rs. 50, or till the end of the month. Whenever the sum of Rs. 50 is due by any one Court to another, and at the close of each month in any case, the full amount due must be remitted through the Government Treasury, if there is a Treasury at the outlying station, and if not, by a Postal Money Order, the cost of which may be charged in the Contingent Bill.

The Chief Court may, at its discretion, increase or reduce the permanent advance of any particular Central or Deputy Nazir.

XVIII. On or before the 6th of each month the Central Nazir or the Deputy Nazir (as the case may be) of each Court shall send to each Court concerned a statement showing the account between them, as it stood at the close of the preceding month, and any subsequent remittance. Such accounts, when furnished to any other Court than the District Court, shall be sent on to the District Judge after verification and with any explanation which may seem necessary. It shall be the duty of the District Judge to see that no excessive sum of money is retained in any Court.

XIX. The presiding Judge of any Court may, for any sufficient reason, at any hour of the day, transmit a process for emergent execution within the jurisdiction of the head-quarter Munsiff, and it shall be the duty of the Central or Deputy Nazir (as the case may be), on receiving such process signed by the Judge, to make immediate arrangements accordingly.

In a case of very special urgency, the presiding Judge may deliver any such process to one of the process-servers in attendance on his Court for immediate service or execution.

XX. The Deputy Nazirs of outlying Courts shall on no account delay any process which may be signed by a presiding Judge as emergent. All other processes it shall be lawful for them to keep back for any period, not exceeding three days, which may be necessary to admit of a sufficient number accumulating for a particular neighbourhood.

XXI. The presiding Judge of any superior Court may direct, on the application of the party applying for any particular process which would ordinarily be sent for service to an outlying Court, that it be served or executed by a special process-server from head-quarters: provided that the pay of such process-server at the rate of 4 annas a day for a peon or 8 annas for an amin, for the time he is likely to be employed on such duty, be paid in advance; and the Judge may, for any sufficient reason, direct that such extra charge be costs of the suit or proceeding.

XXII. Except for very special reasons, which must be recorded in writing, no Court shall direct, under Section 349, that a judgment-debtor be left in the custody of a peon, unless a second peon is deputed to assist him and the pay of both, at 4 annas a day for each up to the time fixed for the adjourned hearing, be paid in advance.

Payments under this and the preceding rule shall be made in Process Service stamps.

XXIII. Unless the Chief Court shall otherwise direct, upon due cause being shown, the number of amins and peons to be employed under any Nazir or Deputy Nazir shall be sufficient, and no more than sufficient, for the execution of not less than 100 processes a year by each amin and not less than 300 processes a year by each peon: provided that three peons for each Court shall be told off in rotation for ten days at a time to attend the Court to help to keep order and guard the Court-house and to be available for emergent processes under Rule XIX.

In calculating the number of processes, if more than one of the same description have been issued on behalf of the same party at the same time in the same suit or proceeding, and executed in the same town or village, the first only shall be reckoned as a full process, and each subsequent set of three or part thereof shall count as but one process, whether executed by one or more peons. Three processes will be counted for each emergent process and one for each day that a peon is in charge of a judgment-debtor or engaged on any special duty.

XXIV. Every Central or Deputy Nazir shall, at the end of each month, report to the District Judge through the Munsiff the number of processes, calculated as above, which may have been executed by their subordinates within the month; and such report shall show the number declared by each Court to be emergent. The District Judge shall forward the Report to the Chief Court with his remarks thereon.

The Chief Court may reduce the number of peons in the Central Nazarat, or any outlying Court, whenever the average number of processes for each man (exclusive of those allowed under Rule XXIII to be in attendance in the Courts) falls short of the prescribed minimum by more than ten per centum.

The periodical returns of receipts and disbursements on account of Process-service Fees, furnished to the Chief Court, shall show the average number of processes actually executed by each peon or amin.

XXV. The fees chargeable for serving and executing process issued by the Civil Court shall be:—

		Rs.	a.	p.
1.	Summons to Defendant	0	8	0
	And for every additional Defendant if applied for at the same time, and if Defendant resides in the same neighbourhood ...	0	4	0
2.	Sommons to a Witness	0	8	0
	And for every additional Witness, if applied for at the same time, and if the Witness resides in the same neighbourhood ...	0	4	0
3.	Warrant of Arrest	1	0	0
4.	Proclamation of Attachment or Sale	0	8	0
5.	Warrant of Attachment of movable or immovable property ...	1	0	0
6.	Warrant of delivery of possession of property, movable or immovable if no attachment has taken place	The fee for attachment of said property.		
	If the attachment has taken place—			
	For movable property	0	8	0
	For immovable property	1	0	0
7.	Injunction, Order or Notice not otherwise provided for	0	8	0

N. B.—(1) When it is found necessary to employ more than one amin or peon (as for instance where property is situated in different places) double fees are to be charged.

(2) When it is necessary to appoint a custodian of the property attached under Section 269 of the Civil Procedure Code, an additional fee at the same rate shall be levied, from the party on whose application the warrant was issued, at the end of five days and for every additional period of five days or less during which the property is kept under attachment.

By the Court,

V. A. RAJARATNA MUDALIAR, *Registrar.*